

IAP12 Rec'd PCT/PTO 11 MAY 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

TEIICHI NISHIMURA ET AL

Ser. No.: 10/506,863

Filed: 9/2/04

) PEST CONTROLLER AND METHOD  
) FOR CONTROLLING PESTS  
) THEREWITH

) Group Art Unit: 3643

) Examiner: D. Parsley

PETITION UNDER 37 CFR 1.136

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

Applicant, by his attorney, petitions for an extension of time to file the response within the first month. Enclosed is the processing fee of \$120.00.

Respectfully submitted,

05/16/2007 MKAYPAGH 00000043 10506863

01 FC:1251

120.00 DP

  
John S. Mortimer, Reg. No. 30,407

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
500 W. Madison Street, Suite 3800  
Chicago, IL 60661  
(312) 876-1800

Date: May 7, 2007

37 CFR 1.8  
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 5-7-07 (date).

  
Terri Craine

05/14/2007 HDESTAI 00000011 10506863

01 FC:1251

120.00 DP

Claim 18 has been amended to characterize the substance releasing member as configured and sufficiently flexible so that it is capable of being wound up or folded to be compacted during non-use. The art does not teach or make obvious this structure in a similar claimed combination.

New claims 46 and 47 recite a lead-out tube that communicates the chemical substance from the container towards the substance exposing portion. This structure is absent from the cited prior art.

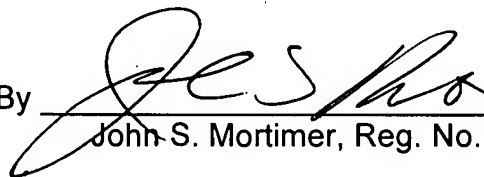
Claims 48 and 49, each of which depends from claim 1, recites a method using the pest controller therein, and further recites that the user is holding the pest controller in the user's hand. In the case of claim 48, the state of the pest controller is changed, whereas in claim 49, the pest controller is repositioned to strategically contact the pest controller with a spot. The art does not teach or make obvious this method.

Reconsideration of the rejection of claims 1-21, 26-33, 40, 41, 43-45, favorable consideration of new claims 46-49 and allowance of the case are requested.

The additional claim fee of \$200.00 is enclosed. Should additional fees be required in connection with this matter, please charge our deposit account No. 23-0785.

Respectfully submitted,

By



John S. Mortimer, Reg. No. 30,407

WOOD, PHILLIPS, KATZ,  
CLARK & MORTIMER  
500 W. Madison St., Suite 3800  
Chicago, IL 60661  
(312) 876-1800

Date: May 7, 2007